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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

EDWARD L. SLEEPER,

Defendant.

Adv. Pro. No. 10-04497(SMB)

TRUSTEE'S REQUEST TO ENTER DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against Defendant Edward Sleeper, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
October 25, 2016

Respectfully submitted,

Of Counsel:

BAKER & HOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002-0518
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/s/ Nicholas J. Cremona

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SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04497(SMB)

AFFIDAVIT SUPPORTING ENTRY OF DEFAULT

STATE OF TEXAS)
) ss:
COUNTY OF HARRIS)

Farrell Hochmuth, being duly sworn, hereby attests as follows:

1. I was admitted pro hac vice into this Court and am a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and the estate of Bernard L. Madoff, individually.

2. On November 30, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the “Complaint”) against Edward Sleeper (the “Defaulting Defendant”). (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent transfers in connection with certain transfers of property by BLMIS to or for the benefit of the Defaulting Defendant. (*Id.*).

3. On February 3, 2011, the Clerk of this Court issued summons upon the Defaulting Defendant. (Dkt. No. 4).

4. On February 3, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon the Defaulting Defendant. (*See* Dkt. No. 5). An Affidavit of Service evidencing proper and timely service was filed with the Court. (*See* Ex. A., Affidavit of Service; Dkt. No. 5).

5. On August 29, 2011, the Trustee and the Defaulting Defendant stipulated to extend the time by which the Defaulting Defendant could move, answer or otherwise respond to the Trustee's Complaint. (*See* Dkt. No. 10). The time by which the Defaulting Defendant could move, answer or otherwise respond to the Trustee's Complaint expired on October 31, 2011. (*See* Dkt. No. 10).

6. On October 17, 2016, the Trustee filed a Notice of Voluntary Dismissal with Prejudice of Certain Claims and Dismissal Without Prejudice of Certain Claims in Adversary Proceeding, which dismissed Counts Two through Seven only of the Trustee's Complaint in the above-captioned adversary proceeding. (*See* Dkt. No. 12).

7. Despite being duly served with the Summons and Complaint, the Defaulting Defendant did not file an answer, move, or otherwise respond to the Complaint on or before October 31, 2011.

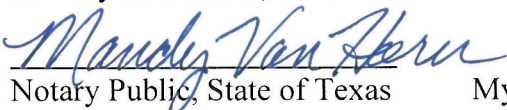
8. Upon information and belief, Defaulting Defendant Edward Sleeper is neither an infant nor incompetent.

9. On October 17, 2016, I performed a search on the Department of Defense Manpower Data Center (DMDC). Upon searching the information data banks of DMDC, the DMDC does not possess any information indicating that Defaulting Defendant Edward Sleeper is currently on active duty as to all branches of the Military.

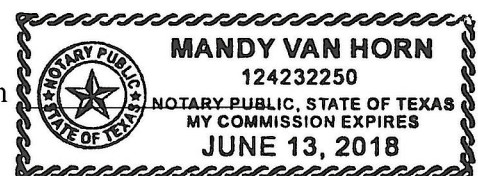
10. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

/s/ 
Farrell Ann Hochmuth

Sworn to before me this
25th day of October, 2016


Notary Public, State of Texas

My Commission Expires on



UNITED STATES BANKRUPTCY COURT
Southern District of New York

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

NTC & Co. LLP, as former custodian of an
Individual Retirement Account for the benefit of
Edward L. Sleeper; and EDWARD L. SLEEPER,

Defendants.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Case No. 09-11893 (BRL)

Adv. Pro. No. 10-04497 (BRL)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

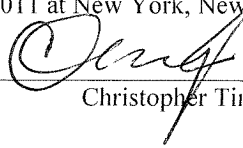
I, Christopher Timony declare:

1. I am over the age of 18 years and not a party to these chapter 11 cases.
2. I am employed by Donlin, Recano & Company, Inc., 419 Park Avenue South, Suite 1206, New York, NY 10016.
3. On the 3rd day of February, 2011, I caused a true and accurate copy of the:
 - (i) "Complaint", along with the relevant exhibits (Docket No. 1); and the



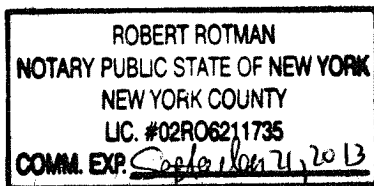
- (ii) "Notice of Applicability of the Order Approving Case Management Procedures for Avoidance Actions" (Docket No. 2); and the
 - (iii) "Summons and Notice of Pretrial Conference in An Adversary Proceeding" (Docket No. 4); and the
 - (iv) "Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order" dated November 11, 2010; and the
 - (v) "Avoidance Action Executive Summary Letter dated December 20, 2010"; and the
 - (vi) "Second Amended Notice of Omnibus Avoidance Action Hearing Dates",
- to be served upon the parties listed on Exhibit 1, attached hereto, via First Class US Mail.
4. Said documents were securely enclosed in postage prepaid envelopes and delivered to an office of the United States Postal Service for delivery by First Class Mail.
5. I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed this 3rd day of February, 2011 at New York, New York.

By


Christopher Timony

Sworn before me this
3rd day of February, 2011


Notary Public



Date : 2/3/2011

Adv Pro No: 10-04497 (BRL)

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Exhibit 1

Redacted Version

EDWARD L. SLEEPER

EDWARD L. SLEEPER
OAK BROOK IL 60523

000602 003908

EDWARD L. SLEEPER
PALM BEACH FLORIDA 33480

000602 003909

NTC & CO.

THOMAS J. SCHELL
BRYAN CAVE LLP
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104

Counsel - 003161 012157